

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18204 of 2004

Between:

Dr. C. Sam Christopher, S/o.Chellakkan,
Comparative Dravidian Literature & Philosophy,
Dravidian University, Kuppam, Chittoor Dist.

..... PETITIONER

AND

1 The Dravidian University,
Kuppam, Chittoor Dist. rep.by its Registrar.
2 The Executive Council,
rep.by its Chairman-cum-vice chancellor,
Kuppam, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the proceedings of the Executive council (R2) in Letter No.DU/T.Estt/2003 dt.11-7-2003 as arbitrary, discriminatory and illegal and consequently set aside the same and direct the respondents to regularize the services of the petitioner in the cadre of Asst. professor in philosophy in the Dept., of comparative Dravidian Literature and philosophy w.e.f. 1-5-2000, pursuant to the appointment to the said post made vide Proc.No.DU/Estt. (T)/2000-42 dated 10-4-2000 of the 1st Respondent and also direct the respondent University to treat him as the senior most faculty member in the said Dept., and with all other consequential benefits monetary and otherwise.

Counsel for the Petitioner:MR.V.JAGAPATHI

Counsel for the Respondents : None appeared.

The Court at the stage of admission made the following ORDER:

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The petitioner is contending that he was appointed as an Assistant Professor in Philosophy in the Department of Comparative Dravidian Literature and Philosophy, of the first respondent-University through the proceedings dated 10-04-2000 initially, for a period of two years. He joined duty on 01-05-2000 and continued in service without any break. Through the proceedings dated 30-04-2002, the petitioners services were extended for two more years in the same scale of pay. On 27-11-2002 and 16-05-2003, the first respondent-University issued a notification for filling up the vacant posts of Assistant Professors and the appointment orders were issued to the selected candidates and they were sanctioned annual increments on completion of one year service. Subsequently, through the proceedings dated 11-07-2003, the petitioner was appointed as an Assistant Professor on regular basis in the scale of pay with effect from 28-06-2003 and he was placed on probation for a period of two years with effect from 28-06-2003. The grievance of the petitioner is that he was granted the first annual increment with effect from 01-06-2004, but he contends that he is entitled to get the annual increments from 01-05-2001 on completion of one year from the date of his initial appointment. The petitioner and other similarly placed candidates submitted a joint representation to the first respondent on 31-07-2003 for sanction of annual increments and regularization of their services etc. Subsequently also, they submitted several representations, and the latest representation was made by him on 18-08-2004, but no orders have been passed by the first respondent on those representations. The petitioner, therefore, approached this Court through this writ petition seeking to declare that the order of the second respondent dated 11-07-2003 keeping him on probation for a period of two years as illegal and arbitrary and to direct the respondents to regularize his services as an Assistant Professor in the Department of Computer Sciences from the date of his initial joining of duty i.e. 01-05-2000.

The petitioner contends that he submitted several representations including a representation dated 18-08-2004 to the first respondent, but no orders have been passed by the first respondent. Since the representations are pending with the first respondent, it cannot be said that the respondent passed any adverse orders against the petitioner. Therefore, it would be appropriate to direct the first respondent to consider the representations of the petitioner and pass appropriate orders.

In the light of the above circumstances, the first respondent is directed to consider the representations of the petitioner including the latest representation dated 18-08-2004 regarding his claim for regularization of his service with effect from 01-05-2000 and pass appropriate orders according to the existing rules within two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. If the petitioner so desires, he may make a fresh representation before the first respondent considering his earlier representations.

Dr. G. Yethirajulu, J.

Dt: 7th October, 2004.

NOTE: CC in three days.

(B/O)

RNS.

To

1 The Registrar,

Dravidian University,

Kuppam, Chittoor Dist.

2 The Chairman-cum-vice chancellor,
Executive Council,

Kuppam, Chittoor Dist.

3. Two CCs to G.P. for Education, High Court of A.P.,
Hyderabad.(OUT),

4. Two CD copies.

